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C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 000363

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SUBJECT: THAILAND: AMBASSADOR ENGAGES FORMER PM CHUAN ON  
THAI POLITICS, THE SOUTH, AND LESE MAJESTE

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Classified By: Ambassador Eric G. John, reason 1.4 (b,d)

11. (C) Summary: Ambassador and Polcouns called on former PM Chuan Leekpai, senior statesman of the ruling Democrat Party, on February 10 to discuss the current political situation in Thailand, prospects for progress in the unsettled south, the overly broad application of lese majeste laws, and the global economic crisis. Chuan, who is the mentor of current PM Abhisit, stressed the theme of accountability and rule of law as the key to moving Thailand forward, both nationally and specifically in the deep south. End Summary.

Democrats and Democracy in Thailand  
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13. (C) Ambassador congratulated former PM Chuan, now the Chair of the Democrat Party Advisory Council, on the party's return to office after eight years in opposition. Calling the development "unanticipated," Chuan replied that a majority of Thai wished to see peace and normal governance return to the country, and that the Democrats would try to ensure the return to the rule of law; he thought PM Abhisit had done rather well during his first month in office. Ambassador noted that while some outside observers and media criticized the events of 2008 as a failure of Thai democracy, the opposite was true: despite trying times, Thailand's institutions managed to emerge from the crisis having allowed freedom of assembly and freedom of expression, ensured respect for court decisions, and ultimately effecting a change in governments through normal mechanisms of a multiparty parliamentary democracy, not through another coup. The U.S. favored no party but supported democratic principles and the process; we were pleased to see politics leave the streets and return to parliament.

Justice and Accountability the Keys Nationwide...  
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14. (C) Chuan stressed that the key difference between the Prime Ministers of 2008 (Samak and Somchai) and 2009 (his political protege Abhisit) was that "this PM believes in the rule of law." Chuan claimed that the root cause of the political crisis dating back prior to the 2006 coup was that former PM Thaksin had repeatedly interfered with independent institutions and violated the rule of law, which lay at the

heart of any effective democratic system. Citing his 40 years as an MP (first elected in 1969), Chuan said that he never thought Thailand would see a more destructive force to governance than military dictatorship, but Thaksin's concentration of power over the executive, legislative, and much of the judicial branches in the pursuit of personal business interests had been worse.

15. (C) If Abhisit were to succeed in winning the trust of the Thai people, Chuan continued, he would need to protect the sanctity of the rule of law and the judicial system, starting from investigations by police, through prosecution by the prosecutor's office, and to decisions in the courts. Chuan highlighted Thaksin's 2003 War on Drugs; he said he had told Deputy PM for security policy Suthep that it was essential that Thai authorities pursue a counternarcotics policy that did not employ extrajudicial methods but peaceful and legal ways of solving the problem, so that Thais would regain confidence in the democratic system's ability to deliver results.

...and in the South  
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16. (C) Chuan acknowledged he was playing a role in efforts to address the situation in Thailand's deep south "as a party representative from the south, not as a member of government;" he had met the previous day (February 9) with southern military and police officials, as well as local community and Muslim leaders. Chuan noted that in the last year he had been PM (2000), there had been only 10 incidents of violence, compared to over 2000 in 2008. What had gone wrong in the interim was another example of the failure of the rule of law during the Thaksin era, particularly the

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resort to extrajudicial measures, including forced disappearances and killings.

17. (C) Chuan embraced Abhisit's proposal to establish a more effective civilian-led organization to take the lead in the south, while emphasizing the need for interagency cooperation as a team. The immediate challenge was to reduce the violence and increase security; the intermediate challenge was to strengthen the social fabric and change societal attitudes. PM Abhisit needed to be personally involved in efforts in the deep south, traveling there frequently, to ensure efforts did not slip. Budget and personnel resources had already been increased; what was now needed was more effectiveness and better results. Chuan suggested cooperation with Indonesia and Malaysia, via a development triangle he first promoted in 1993, might also be part of a comprehensive solution.

18. (C) Ambassador suggested that Abhisit's reopening of the case of the 2004 disappearance of Muslim lawyer Somchai, widely believed to have been murdered by Thai security officials, sent an important, positive signal about the need for accountability and the new government's commitment to justice. Chuan's dual approach seemed appropriate: there could not be forward process in the absence of security, but in the absence of justice and social equality, there would be no security. In this way, the challenge of the South reflected the challenge the government faced nationwide.

19. (C) Chuan agreed, stating that the best answer for all Thai, whether Muslim or Buddhist, urban or rural, was justice (Thai: kwampentham). The Somchai disappearance was emblematic of the Thaksin era, Chuan claimed, which condoned violence by those in power. PM Abhisit had talked to case officers to pursue cases previously held up out of fear that the crimes had been ordered by politicians. Chuan claimed this was the case with Somchai, with a former shipping clerk known as "Shipping Moo," killed in 2003 after providing evidence that Thaksin's ShinSat company had evaded excise taxes via falsified import papers; and the 2004 Tak Bai

incident, in which 87 Muslims suffocated to death in an action Chuan claimed had been ordered by the local governor. Chuan cited the police claim that the "sky was now clear" in the Somchai case to emphasize the changed atmosphere since Abhisit became PM.

#### Lese Majeste

¶10. (C) Ambassador raised the surge in recent application of lese majeste laws intended to shield the monarchy from criticism. Friends of Thailand were concerned that the undifferentiated use of lese majeste in both prominent and less important cases, regardless of intent, hurt Thailand and potentially the monarchy itself. Speaking on "a personal basis," Chuan's reply did not acknowledge or directly address the underlying concern. The foreign media needed to understand better how Thai institutions and principles of law had evolved; it was inappropriate to apply western principles in this regard. The King himself had said publicly that the King also made mistakes; it was not fair to claim the King could do no wrong, but he was not in a position to act or reply to criticism, since he would not violate the limitations on his role. Alleged violations should be decided by facts, and on the intent of the person making the comments.

#### Economic Crises, 1997 and 2008-9

¶11. (C) Chuan, who started his second stint as PM in late 1997 after the Asian Financial Crisis brought down the previous Chavalit government, raised the Thai 1997 experience of a property boom, overvalued assets, and the near collapse of the banking sector in looking at the crisis that developed in the US in 2008. Despite the deep Thai financial crisis and drop in GDP of 12% in 1997-98, Thailand had avoided a deep social crisis. Contrary to most Thai who still blame the U.S. in part for not providing immediate assistance in

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1997, Chuan reiterated is thanks to then President Clinton and SecDef Chen for buying back a squadron of fighter planes relieving the Thai of a \$300 million obligation; Chuan stressed that the 1997 mess had been the result of Thai actions and needed to be solved by the Thai themselves.

¶12. (C) Ambassador commented that leaders faced with financial crises face more than just the challenge of well-targeted stimulus packages but the challenge of restoring confidence; this would be true of both U.S. and Thailand in 2009. Countries around the world needed to avoid any protectionist policies and keep avenues for free trade open.

JOHN